

DEAR JUDGE,

I RESPECTFULLY ASK THE COURT TO ISSUE AN ORDER, REQUIREING MR. JAMES RIZZO, MY PRIOR C.J.A. APPOINTED ATTORNEY TO ME, DONALD ANSON 12332-055, CERTAIN LEGAL MATERIAL THAT HE HAS IN HIS POSSESSION.

THIS LEGAL MATERIAL CONTAINS ALL OF MY LEGAL WORK FOR THE ABOVE CAPTIONED CASE, INCLUDING SIGNED AFFIDAVITS, MEDICAL RECORDS, DOCTOR'S REPORTS, TIMELINE DATA, AS WELL AS OTHER LEGAL MATERIAL, VITAL TO THE ABOVE CAPTIONED CASE.

IT ALSO INCLUDES LIKE MATERIALS FOR ANOTHER CIVIL CASE IN OHIO, AND ONE IN BUFFALO. (THE BUFFALO CASE BEING RELATED TO THE ABOVE CAPTIONED CASE). DOCKET NUMBERS 4:06-cv-1672 AND 1:06-cv-0394 RESPECTFULLY.

ALSO INCLUDED IN THE MATERIAL IS WORK, RESEARCH, EVIDENCE, AND OTHER MATERIAL NEEDED FOR THE APPEAL IN MY FEDERAL CRIMINAL CASE.

I WOULD LIKE TO PRESENT A BRIEF HISTORY OF HOW AND WHY MR. RIZZO ~~SHOULD~~ CAME TO POSSESS THIS MATERIAL, AND WHY HE IS NOW HOLDING AND THREATENING TO DESTROY IT AS ABANDONED PROPERTY.

MR. RIZZO RECEIVED THE PROPERTY FROM THE FACILITY I WAS HOUSED IN, IN OHIO, ON ABOUT 3/10/07.

ON 3/5/07 I WAS MOVED FROM THAT FACILITY IN OHIO TO A B.O.P. FACILITY IN LORETTA, PA. I WAS GIVEN NO ADVANCED NOTICE OF THE MOVE, ONLY TOLD TO 'PACK UP'. THAT FACILITY WOULD NOT TRANSFER OR FORWARD MY LEGAL MATERIAL TO THE B.O.P. FACILITY AND, SINCE I HAD NO MONEY FOR POSTAGE, IT REFUSED TO MAIL THE MATERIAL, TO ANYONE BUT A COURT OR ATTORNEY, AT THE FACILITIES EXPENSE. AS MR. RIZZO WAS MY ATTORNEY AT THAT TIME I HAD NO OPTION, BUT TO ~~MAIL~~ THE MATERIAL TO HIM.

I COULD NOT CONTACT HIM BY PHONE, AND HAD NO WAY TO WARN HIM IT WAS COMMING TO HIM.

I DID TRY TO CALL MR. RIZZO FROM PA. BUT AFTER THE SEVENTH UNSUCCESSFUL TRY HE, OR SOMEONE, BUT A COLLECT CALL BLOCK' ON THE PHONE.

AFTER SEVERAL LETTERS EXPLAINING WHY THE MATERIAL
WAS SENT TO HIM, AND WHAT IT CONTAINED, HE DID TRY
TO MAIL IT TO ME.

HOWEVER, HE PUT THE WRONG NAME ON THE LABELS.
(SEE ENCLOSED). MR. RIZZO HAD SENT MAIL TO ME OVER SEVERAL
MONTHS, PRIOR TO AND SINCE, WITH MY PROPER NAME. WHETHER,
MR. RIZZO USED THE WRONG NAME OUT OF SPITE, BECAUSE OF
MY DEMANDING HE BE REPLACED AND MY COMPLAINTS TO THE
2ND CIRCUIT AND N.Y. BAR, OR NOT, I CAN'T SAY FOR SURE.

WHATEVER THE REASON FOR THE WRONG NAME, THE FACILITY
OPENED THE BOXES, AND BECAUSE I WAS NOT CONTACTED BY
THE MAIL ROOM, SO I COULD SHOW JUSTIFICATION FOR THE
RECEIPT OF THINGS LIKE COURT DOCKETS, AND OTHER COURT
PAPERS, OR, MORE IMPORTANTLY MY COPY OF THE PERMISSION
FORM (BP-331 (58)) ALLOWING PACKAGE TO BE SENT TO ME,
THEY WERE SENT BACK TO MR. RIZZO.

SINCE THAT TIME THE 2ND CIRCUIT HAS REPLACED MR. RIZZO,
AND MR. RIZZO IS REFUSING TO REMAIL THE PACKAGES, WITH
THE CORRECT NAME, UNTIL I PAY \$60.00 FOR POSTAGE.

MR. RIZZO IS AWARE I DO NOT HAVE \$60.00

I HAVE EXPLAINED THE NATURE OF THE MATERIAL HE IS HOLDING
AND THE URGENT NEED FOR IT, FOR THIS CIVIL CASE AND
OTHERS, AS WELL AS APPEALS AND 2255 MOTION.

ON OUR LAST COMMUNICATION I OFFERED TO PAY HIM \$5.00
A MONTH IF HE WOULD SEND IT. (I MAKE 17.00 A MONTH HERE
AND 25.00 EVERY 3 MONTHS GOES TO COURT FEES. WITH THE
4.85 MONEY ORDER COST AND POSTAGE, THAT IS ABOUT ALL I HAVE).

HE RESPONDED BY THREATNING TO DESTROY IT ALL AS ABANDONED
PROPERTY.

I NOW ASK YOU TO GRANT THE ORDER INCLOSED, OR TO
AT LEAST ORDER MR. RIZZO TO NOT DESTROY THE MATERIAL.

~~MR. RIZZO HAS STATED THAT HE IS NOT IN ANYWAY
RESPONSIBLE FOR THIS PROBLEM. I DISAGREE FOR THE
FOLLOWING REASONS.~~

I HAD FORSEEN THIS PROBLEM FOUR OR FIVE MONTHS PRIOR TO IT'S HAPPENING.

I HAD ASKED MR. RIZZO TO MOVE THE COURT IN MY CRIMINAL CASE (JUDGE SIRAGUSA) FOR A COURT ORDER THAT WOULD ALLOW ME TO RETAIN MY CURRENT LEGAL MATERIAL, AS 'ACCESS TO THE COURTS' ALLOWS, UNTIL I REACHED MY B.O. P. DESTINATION.

MR. RIZZO DID NOT WRITE THE REQUEST TO THE COURT AS I HAD ASKED. IF HE HAD THIS PROBLEM WOULD NOT EXIST.

MR. RIZZO NEVER ALLOWED ME TO SEE THE REQUEST HE HAD WRITTEN, AS IS THE CASE WITH HIS OTHER LEGAL 'WORK'. HE NEVER ONCE ALLOWED ME TO SEE A 'FINISHED' DRAFT OF ANY OF HIS WORK, UNLESS IT WAS A DRAFT HE SAID HE WOULD CORRECT, OR ADD TO, AND DIDN'T. IF I HAD BEEN ALLOWED TO SEE HIS REQUEST FOR THE ORDER, IT COULD HAVE BEEN CORRECTED. THEN THIS PROBLEM WOULD NOT EXIST.

WHEN THE JUDGE READ, AND GRANTED, THE ORDER, I ASKED MR. RIZZO TO MENTION THE FAULT IN THE ORDER. (THAT IT ONLY COVERED YR THE MOVE TO THE B.O.P.) MR. RIZZO IGNORED ME. HAD HE ASKED FOR THE PROPER WORDING, THIS PROBLEM WOULD NOT EXIST. - EVEN THE CO'S AT OHIO SAID THEY WOULD HAVE HONORED THE ORDER, BUT FOR THE SPECIFIC LIMIT (BATAVIA TO OHIO - NOT B.O.P)

I HAD ASKED MR. RIZZO TO SEEK A SECOND ORDER TO COVER THE MOVE FROM OHIO TO B.O.P. BUT HE IGNORED ME. IF HE HAD ASKED THIS PROBLEM WOULD NOT EXIST.

FINALLY, HAD MR. RIZZO USED MY RIGHT NAME, DONALD (AND NOT DAVID) THIS FACILITY WOULD HAVE BEEN ABLE TO LOCK-UP THE BP. 381(S8) FORM ON RECORD (PERMISSION TO RESERVE THE PACKAGES + PROPERTY), OR TO CALL ME DOWN. AS IT WAS THE PACKAGES WERE RETURNED ON 5/1 AND I DID NOT FIND OUT TILL 5/17/07.

SO I DO NOT SEE HE CLAIMS NO FAULT IN THIS MATTER.

PLEASE GRANT THE ATTACHED ORDER, OR A SIMILAR ORDER OF THE COURTS WORDING, COMPELLING MR. RIZZO TO MAIL THE MATERIAL NOW, AND BILL ME. OR AT LEAST ORDERING HIM NOT TO DESTROY THE MATERIAL.

DONALD ANSON 12332-055

DOCKET # 1:07-CV-0035

-v-

UNITED STATES OF AMERICA

THE COURT ORDERS MR. JAMES RIZZO, OF 31 EAST MAIN STREET, SUITE 400, ROCHESTER, NY 14614-1824, TO SEND, VIA THE UNITED STATES MAIL, THOSE PACKAGES AND MATERIALS BECOMING TO HIS FORMER CLIENT DONALD ANSON 12332-055, TO:

DONALD ANSON 12332-055
F.C.I. LORETO
P.O. BOX 1000
LORETO, PA. 15940

TAKING CARE TO PROPERLY ADDRESS THE PACKAGES WITH THE INMATES TRUE AND CORRECT NAME AND U.S. MARSHAL'S NUMBER.

THESE PACKAGES ARE TO INCLUDE, BUT ARE NOT LIMITED TO, ALL PROPERTY SENT FROM NORTHEAST OHIO CORRECTIONAL CENTER IN YOUNGSTOWN, OHIO AND MATERIAL HE RECEIVED FROM MR. OKAY, THE FORMER ATTORNEY FOR MR. ANSON.